THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

–

WRIT PETITION No.25224 OF 2006

Dated 13th February 2007

Between:

Tirumalla Suryachandra Rao

...Petitioner

and

The Divisional Cooperative Officer,
Kovvuru, West Godavari District & others.

...Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 25224 OF 2006

O R D E R:

The petitioner was elected as the president of the 2nd respondent society, on 27.10.2005. The 1st respondent issued a notice, dated 21.11.2006, under Section 34-A(3) of the Andhra Pradesh Cooperative Societies Act, 1964 (for short "the Act"), proposing to convene a meeting on 7.12.2006, to consider the motion of No-confidence, against the petitioner. This writ petition is filed, challenging the notice referred to above, on the ground that the notice period, stipulated under Section 34-A(3) of the Act, is not maintained.

Learned counsel for the petitioner submits that

under Section 34-A(3) of the Act, a notice of 15 clear days is to be issued, whereas, in the instant case, the period is less than that.

Learned Government Pleader for respondents 1 and 2, on the other hand, submits that if the date of issuance of notice is taken into account, the provision is complied with. Learned counsel for the 3rd respondent, who got himself impleaded in the writ petition, canvasses the same view.

In the context of holding a meeting, to discuss the motion of no-confidence, the date of service becomes material, for the purpose of calculation of the period of notice. In the instant case, though the notice is dated 21.11.2006, it is said to have been served on the petitioner, on 27.11.2006. It is obviously short of 15 days, which is mandatory under Section 34-A(3) of the Act. On this short ground, the writ petition is allowed, and the impugned notice is set aside. However, it shall be open to the
respondents 1 and 2, to take necessary steps, in accordance with law.

There shall be no order as to costs.

13th February 2007

Note: Issue C.C. in two days.
(B/o)
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